

Text Amendment Application No. 62
by
Beacon Hill Civic Association
Neighborhood Association of the Back Bay

A = Allowed - as a matter right
C = Conditional - Requires conditional use permit granted by Board of Appeal
F = Forbidden - Requires variance granted by Board of Appeal
() = (Staff recommendation)

Use Item	Beacon Hill		Back Bay		Comments
	H-2-65	L-2-65	H-5-70	B-4-70	
10 boarding or lodging house	C	A to C	C	A to C	
11 Dormitory	F	C	(C) C to F	C	already F in H-2-65
12 Dormitory	F	C	(C) C to F	C	" " "
13 Dormitory	F	C	(C) C to F	C	" " "
13A Dormitory	F	C	(C) C to F	C	" " "
15 Hotel, motel	C to F	A to C	C to F	C	
16 School, K-12	A to C	A	A to C	A	Except high sch. F in H-5-70
16A College, univ.	C to F	C	C to F	C	
17 Day Care Center	A to C	A	A to C	A	
18 Trade, prof. or other school	C to F	C	C to F	C	
19 Machine shop accessory to school	C to F	C	C to F	C	
20 Library, museum	A to C	A to C	A to C	A	
21 Place of worship, monastery, convent, parish house	A to C	A to C	A to C	A	Parish house formerly #29
22 Hospital, accessory clinic or professional office	A to F	A to C	A to F	A	

Use Item	Beacon Hill		Back Bay		Comments
	H-2-65 (A)	L-2-65 (A)	H-5-70 (A)	B-4-70	
22A Convalescent home, nursing home, home for aged, orphanage and the like	A to C	A to C	A to C	A	
23 Institution providing custodial care for drug addicts alcoholics or mentally ill or mentally deficient persons	F	C	F	C	Include reference to Use Item No. 22A
24 Accessory teaching or research laboratory	A to C	A to C	A to C	A	Except F in H-2-65, H-5-70 if accessory to 16A, 22, 23
29 Community center building, settlement house, adult education ctr.	A to F (C)	A to C	(C) A to F	A	Delete parish house
30 Private Club	C to F	C	(C) C to F	A to C	
34 Retail Trade	F	A	F	A	Delete Package Store
34B Package store	F	A to C	F	A to C	New use item
39 Professional offices	C to F	A	C to F	A (A)	Delete clinic
39A Clinic, not accessory to hospital use	C	A to C	C to F	A to C	New use item
58 Parking lot	C to F (C)	C	C to F (C)	C	
59 Parking garage	C to F (A)	C	C to F (A)	C	
72 Accessory parking (Residential)	A to C	A	A to C	A	(Non-residential accessory parking already C)
73 Professional office accessory to residential use	A	A	(C) A to F	A	Change footnote to allow only 2 non-resident employees in H-2-65
74 Customary home occupation accessory to residential use	A	A	(C) A to F	A	

Use Item	Beacon Hill		Back Bay		Comments
	H-2-65	L-2-65	H-5-70	B-4-70	
77 Keeping of lab animals incidental to educational or institutional use	A to C	A	A to F	A	
79 Incidental uses accessory to educational or medical institutions (cafeteria, gift shop, etc.) to serve patients, staff, students, faculty	A to C	A	A to C	A	

Text Amendment Application No. 62
 Neighborhood Association of the Back Bay
 Beacon Hill Civic Association
 Change of status of various use
 items in L-2-65, H-2-65,
 B-4-70, H-5-70 districts

TO THE ZONING COMMISSION
 OF THE CITY OF BOSTON:

The Beacon Hill Civic Association and the Neighborhood Association of
 the Back Bay, represented by Stephen H. Oleskey, Pres., Beacon Hill Civic Assoc. Inc.
 of property at 14 Joy Street on Beacon Hill,
 and Walter Kaitun, Pres. NABB, owner of property at
39 Marlborough St. in the Back Bay, hereby petition
 for changes in the text of the Boston Zoning Code as established by Chapter
 665 of the Acts of 1956, as amended, as follows:

1. By striking out in Table A of Section 8-7 Use Item Numbers 10, 11, 12, 13, 13A, 15, 16, 16A, 17, 18, 19, 20, 21, 22, 22A, 23, 24, 29, 30, 34, 39, 58, 59, 72, 73, 74, 77, and 79 and inserting in place thereof the following use items:

		District								
NO.	USE ITEM	S	R	H	L	B	M	I	W	
10	Lodging or boarding house...	F	C	C	A*	A	F	F	F	

*Except C in L-2-65 and
 B-4-70.

11	Dormitory on the same lot as, and accessory to, a use specified in Use Item No. 16A or Use Item No. 18 on a lot of three acres or more.....	C	C	C*	C	C	F	F	F
	*Except F in H-2-65 and H-5-70.								
12	Dormitory on the same lot as, and accessory to, a use specified in Use Item No. 16A or Use Item No. 18 on a lot of less than three acres.....	C	C	C*	C	C	F	F	F
	*Except F in H-2-65 and H-5-70.								
13	Dormitory not upon the same lot as, but accessory to, a use specified in Use Item No. 16A or Use Item No. 18.....	C	C	C*	C	C	F	F	F
	*Except F in H-2-65 and H-5-70.								
13A	Dormitory not accessory to a use specified in Use Item No. 16A or Use Item No. 18.....	F	C	C*	C	C	F	F	F
	*Except F in H-2-65 and H-5-70.								

15	Hotel; motel; apartment hotel.....	F	F	C*	#	A	F	F	F
	*Except F in H-2-65 and H-5-70.								
	#F in L-.5 and L-1; A in L-2; C in L-2-65.								
16	Elementary or secondary school, attendance at which satisfies the requirements of the com- pulsory education laws of the Commonwealth of Massachusetts.....	A*	A*	#	A*	A+	C	C	F
	*Provided that no play space or parking area is nearer any lot line than the front yard depth required by this code for the lot, and that the requirements of St. 1956, c. 665, s. 2, where apt, are met.								
	#A* except C* in H-2-65 and except C* in H-5-70 if an elementary school and F in H-5-70 if a secondary school.								
	+Subject to St. 1956, c. 665, s. 2.								

16A	College or university granting degrees by authority of the Commonwealth of Massachusetts.....	C	C	C*	C	C	C	C	F
	*Except F in H-2-65 and H-5-70.								
17	Day care center; nursery school; kindergarten.....	C	C+	A*	A	A	A	A	C
	+Except A in an R-.8 district, provided that the facility accommodates no more than 60 children and the use is accessory to Use Item No. 16, 16A, 20, 21, 27, 28, or 29; otherwise C.								
	*Provided that the facility accommodates no more than 60 children; otherwise C; and except C in H-2-65 and H-5-70 regardless of the number of children accommodated.								
18	Trade, professional or other school.....	F	F	C*	C	C	C	C	C
	*Except F in H-2-65 and H-5-70.								
19	Machine shop or other noisy activity accessory to a school, college or university.....	C*	C*	C*+	C*	C*	C	C	C
	+Except F in H-2-65 and H-5-70.								

*Provided that it is located at least one hundred feet from all lot lines and in the opinion of the Board of Appeal is adequately sound-insulated to protect the neighborhood from unnecessary noise.

20	Library or museum, not conducted for profit and either open to the public or accessory to a use listed under Use Item No. 16 or 16A whether or not on the same lot.....	A	A	A*	A*	A	A	A	C
	*Except C in H-5-65, H-5-70 and L-2-65.								
21	Place of worship; monastery; convent; parish house	A	A	A*	A*	A	A	A	A
	*Except C in H-2-65, H-5-70 and L-2-65.								
22	Hospital or sanatorium which does not provide custodial care for drug addicts, alcoholics or mentally deficient persons; clinic or professional offices accessory to a hospital or sanatorium, whether or not on the same lot.....	F	F	A*	A*	A	F	F	F
	*Except F in H-2-65 and H-5-70 and C in L-2-65.								

22A	Convalescent, nursing or rest home; home for aged; orphanage; or similar institution not for correctional purposes; provided such use does not provide custodial care for drug addicts, alcoholics or mentally ill or mentally deficient persons.	F	F	A*	A*	A	F	F	F
	*Except C in H-2-65, H-5-70 and L-2-65.								
23	Any use listed under Use Item No. 22 or 22A providing custodial care for drug addicts, alcoholics or mentally ill or mentally deficient persons.....	F	F	F	C	C	C	C	F
24	Scientific research and teaching laboratories not conducted for profit and accessory to a use listed under Use Item No. 16, 16A, 22, 22A or 23 whether or not on the same lot.....	F	F	#	#	A*	A*	A*	C*
	*Provided that all resulting cinders, dust, flashing, fumes, gases, odors, refuse matter, smoke and vapor are effectively confined to the lot or disposed of as not to be a nuisance or hazard to health or safety; and provided also that no noise or vibration is perceptible without instruments more than fifty feet from the lot or any part of the lot.								

#A* except C* in H-2-65,
H-5-70 and L-2-65 if accessory
to Use Item No. 16 or 22A
and F in H-2-65 and H-5-70 if
accessory to Use Item No. 16A,
22 or 23.

29	Adult education center building; community center building; settlement house.	A*	A*	A*+	A+	A	C	C	C
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+Except F in H-2-65 and
H-5-70 and C in L-2-65.

*Provided (1) that no park-
ing area or active outdoor
recreation area is nearer
any lot line than the front
yard depth required by this
code for the lot and (2)
that, unless after public
notice and hearing and sub-
ject to the provisions of
Sections 6-2, 6-3 and 6-4,
the Board of Appeal grants
permission therefor, there
are no accommodations for
spectators nor outdoor
floodlights nor any indoor
or outdoor activity which
is in itself noisy.

30	Private club (including quarters of fraternal organizations) operated for members only.....	F	C*	C*+	C	A+	C	C	C
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+Except F in H-2-65 and
H-5-70; C in B-4-70.

*Provided (1) that no parking area or active outdoor recreation area is nearer any lot line than the front yard depth required by this code for the lot, and (2) that there are no accommodations for spectators nor outdoor floodlights nor any indoor or outdoor activity which is in itself noisy.

34	Store primarily serving the local retail business needs of the residents of the neighborhood, but not constituting a business as described in Use Item No. 34A or No. 34B, including, but not limited to, store retailing one or more of the following: food, baked goods, groceries, drugs, tobacco products, clothing, dry goods, books, flowers, paint, hardware and minor household appliances.....	F	F	F	A	A	A	A	C
34B	Retail store selling packaged alcoholic beverages..	F	F	F	A*	A*	A	A	C

*Except C in L-2-65 and B-4-70.

the side yard so required from any side or rear lot line adjoining a lot in an S, R or H district, that all lighting is so arranged as to shine downward and away from streets and adjoining lots, and that the parking lot is adequately screened from all streets and adjoining lots.

†Except F in H-2-65 and H-5-70; also F unless the parking lot either is operated exclusively for the parking of motor vehicles (other than trucks) of persons living in the neighborhood, or abuts or is across the street from an L, B, M, I or W district and is operated by an establishment in such district exclusively for the parking of motor vehicles (other than trucks) of, and without charge to, its employees, customers and guests; and provided further, in either case, that no vehicle is parked in the front yard required by this code or within a distance equal to the side yard so required from any side or rear lot line adjoining a lot in an S, R or H district, that all lighting is so arranged as to shine downward and away from streets and adjoining lots and that the parking lot is adequately screened from all streets and adjoining lots.

#A+ in B-1 and B-2; C in other B districts.

+Except C in a restricted parking district.

59	Parking garage.....	F	F	C*	C	A+	A+	A+	C
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*Except F in H-2-65 and H-5-70; also F unless the parking garage is operated exclusively for the parking of motor vehicles (other than trucks) of persons living in the neighborhood except that gasoline and oil may be sold if sales thereof are limited to tenants of the garage and are completely consummated entirely within the garage.

+Except C in a restricted parking district.

72	As an accessory use subject to the limitations and restrictions of Article 10, a garage or parking space for occupants, employees, customers, students and visitors.....	A*+	A*+	#	A+	A+	A+	A+	A
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#A*+ except C if in H-2-65 and H-5-70 if accessory to a use listed in Use Item Nos. 1 through 15.

*Provided that where a garage or parking space is accessory to a dwelling use in an S, R, or H district is screened therefrom to a height of at least six feet by a concealing fence.

+Except C in a restricted parking district.

- 73 As an accessory use subject to the limitations and restrictions of Article 10, an office, within a main building, of an accountant, architect, attorney, dentist, physician or other professional person who resides in such building.....

C*	A*	A*+	A	A	A	A	C
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+Except F in H-5-70.

*Provided that non-resident assistants do not exceed: one in an S district, two in an R or H-2-65 district, and three in other H districts.

- 74 As an accessory use subject to the limitations and restrictions of Article 10, an occupation for profit customarily carried on in a dwelling unit by a person residing therein.....

C*	A*	A*+	A	A	A	A	C
----	----	-----	---	---	---	---	---

+Except F in H-5-70.

*Provided that such occupation is carried on in a main building and requires only equipment ordinarily incident to a dwelling unit, that no non-resident help is employed and that there is no trading in merchandise.

- 77 As an accessory use subject to the limitations and restrictions of Article 10, the keeping of laboratory animals incidental to an educational or institutional use.....

F C* A*+ A* A* A* A* A*

*Provided that all resulting noise, dust, fumes, gases, odors and refuse matter are effectively confined to the lot or so disposed of as not to be a nuisance or hazard to health or safety.

+Except C in H-2-65 and F in H-5-70.

- 79 As an accessory use subject to the limitations and restrictions of Article 10, in hospitals with more than fifty beds, and in educational institutions with more than four hundred full-time students, incidental uses and services ordinarily found in connection therewith and primarily for the patients and staff

or students and faculty,
when conducted wholly within
a building and entered solely
from within the building
where there is but one build-
ing on the lot or from an
entrance not directly facing
a street or lot line where
there is more than one build-
ing on a lot.....

C C A* A A F F F

*Except C in H-2-65 and
H-5-70.

2. By inserting in Section 23-1, respecting off-street parking requirements for residential uses, at the beginning of the first sentence the following phrase:

Except in H-2-65 and H-5-70 districts

3. By inserting in Section 23-3, respecting off-street parking requirements for institutional uses, in the list of institutional use item numbers the following number:

22A,

4. By inserting in Section 23-4, respecting off-street parking for retail and office uses, in the list of retail and office use item numbers the following numbers:

34B, 39A,

5. By inserting in Section 24-1, respecting off-street loading requirements, into the list of Group I Uses the number:

39A,

and into the list of Group II Uses the number:

22A,

and into the list of Group III Uses the number:

34B,

Petitioner: Steph H. Corley
Address: 14 Joy Street
Tel. No.: 742 2631

For: Beacon Hill Civic Association
Address: 74 Joy Street, Boston, Mass. 02114
Tel. No.: 227-1922 / 227-7959

Date: 10/7/77

Petitioner: Walter S. Kolton
Address: 39 Marlborough St.
Tel. No.: Boston 261-1394

For: Neighborhood Association of the Back Bay
Address: 315 Dartmouth Street, Boston, Mass. 02116
Tel. No.: 247-3961

Date: October 7, 1977

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MEMORANDUM

October 6, 1977 - tabled
October 13, 1977 - resubmitted

TO: Boston Redevelopment Authority

FROM: Robert F. Walsh, Director

SUBJECT: Zoning text amendment proposed by Neighborhood Association of the Back Bay and Beacon Hill Civic Association: More restrictive treatment of a number of use items.

The Beacon Hill Civic Association and the Neighborhood Association of the Back Bay are jointly petitioning the Zoning Commission for an amendment to the text of the Boston Zoning Code which would shift a number of use items to more restrictive categories in the special limited height districts on Beacon Hill and in the Back Bay. These districts are H-2-65 (apartment) and L-2-65 (local business) districts on Beacon Hill and H-5-70 (apartment) and B-4-70 (general business, Newbury Street) districts in the Back Bay.

I attach a map showing the districts involved and a table summarizing the proposed changes. Letters in parentheses are staff recommendations.

On the whole, the staff supports the concern of both associations that residential uses in both apartment districts should be strengthened by discouraging office or institutional uses in residential districts and a tightening up of uses in business districts. However, we have reservations in regard to the following use items:

- 11-13A The conditional use status of dormitories in the Back Bay has worked well since 1970, when the uses were made conditional. We see no need for change.
- #22A nursing home, convalescent home, home for the aged, orphanage and the like. These uses have residential characteristics which should be compatible with other uses in H-2-65, L-2-65 and H-5-70. Recommendation: That these uses remain allowed in all four districts.
- 29 Community center building, settlement house, adult education center. Since these uses are community oriented, conditional status should be sufficiently restrictive in H-5-70. Specific uses can be judged by the community through the conditional use process. On Beacon Hill, however, there have been attempts by organizations seeking office space to use minor adult education activities to gain acceptance. The Civic Association feels strongly the use should be forbidden in H-2-65.

Recommendation: that use change from A to C in H-5-70 and A to F in H-2-65.

- 30 Private Club. There are a number of long established private clubs that would be affected by being made forbidden. As non-conforming uses, they would be required to seek Board of Appeal approval for any reconstruction, structured change or extension, whereas under a conditional status they are subject only to maintaining the character and extent of operations or structures. Recommendation: that the use be conditional in all four districts.
- 39A Clinic not accessory to main use. It seems unduly restrictive to make this use conditional in the B-4-70 district. Recommendation: Allowed in B-4-70, conditional in L-2-65, forbidden in H-5-70.
- 59 Parking garage. If reasonable opportunities for parking garage should occur in the residential districts, they could afford relief in areas where off-street parking is a severe problem. Recommendation: C in all four districts.
- 72 Accessory parking. Beacon Hill and the Back Bay are in the restricted parking district, which means that parking that is accessory to non-residential uses is conditional but parking that is accessory to residential uses is not only permitted but required. The off-street parking requirement and a requirement of usable outdoor open space per dwelling unit are the only two density controls in the Back Bay and Beacon Hill. If a given property could meet the open space requirement, there would be no other limit to the increase in the number of dwelling units allowed. This would compound on-street parking problems in areas where parking is a well known problem. The proposed change would further force an owner to seek permission from the Board of Appeal before providing off-street parking spaces. Recommendation: That use remain allowed in all four districts.
- 73 & 74 Professional office accessory to residential use and customary home occupation for profit. We recommend that these should be conditional, not forbidden in H-5-70. Conditional status should give adequate control. Recommendation: No changes to these two use items.

The amendment also would amend Section 23-1, which states the off-street parking requirements for residential uses, by excluding the H-2-65 and H-5-70 districts from the requirement. Recommendation: No change to Section 23-1.

I recommend that the Authority recommend approval of the petition with the exceptions noted on the summary chart and in the vote below.

VOTED: That in regard to Text Amendment Application No. 62 by the Neighborhood Association of the Back Bay and the Beacon Hill Civic Association, the Boston Redevelopment Authority recommends adoption of the petition with the following changes:

- Use Item Nos. 11-13A - remain C in H-5-70
- Use Item No 22A - allowed in all four districts.
- Use Item No. 29 - A to C in H-5-70
- Use Item No. 30 - Remain C in H-2-65, H-5-70
- Use Item No. 39A - Remain A in B-4-70
- Use Item No. 59 - Parking garage - C in all four districts
- Use Item No. 72 - Remain A in H-2-65 and H-5-70
- Use Item No. 73 - A to C in H-5-70
- Use Item No. 74 - A to C in H-5-70

Delete Item 2 of petition which would eliminate the off-street parking requirement in H-2-65 and H-5-70 districts.

While the Authority generally supports the purposes of the proposed amendment, it feels some of its provisions are overly restrictive. The specifics will be presented at the public hearing.



H-3

H-3-D

B-4

L-2

MASS
GENERAL
HOSPITAL
FRUIT ST
CAMBRIDGE

H-4

H-2-63

B-4

B-4

COMMON

PUBLIC

GARDEN

H-5

B-8

B-10

B-10-D

B-8

B-8-D

B-8

B-2

B-2

B-2

H-3

H-5

H-5-70

B-4-70

B-10-155

B-8-120

STORROW
LAGOON

MEMORIALS

PLGD

JAS STORROW

COMMONWEALTH

NEWBURY

BOYLSTON

DRIVE

HARVARD

BRIDGE

MA

SSA

CHURCH

ST

ST

ST

